

JAN 26 2007

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Lott & Friedland, P.A.

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To:	United States Patent and Trademark Office	From:	Nicole A. Valdivieso, Esq.
Attn:	Art Unit 3727	Pages:	10 (Including Cover Page)
Fax:	571-273-8300	Date:	January 26, 2007
Re:	In the Application of: BROWN et al. Serial No. 10/730,181 Group Art Unit: 3727 Filed: December 8, 2003 Examiner: H. Grosso	CC:	

For: SECONDARY CONTAINMENT SYSTEM
FOR LIQUID STORAGE TANK

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply

● Message:

Please see attached. Thank you.

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JAN 26 2007

Attorney Docket No. 10038-1-5810

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application or Patent of:

BROWN et al.

Art Unit: 3727

Serial or Patent No.: 10/730,181

Filed: December 8, 2003

Examiner: H. Grosso

For: SECONDARY CONTAINMENT SYSTEM FOR
LIQUID STORAGE TANKSCommissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the following papers are being facsimile transmitted to the United States Patent and Trademark Office to facsimile number (571) 273 - 8300 on the date shown below:

Item No.	No. of Pages	Description
1	1	General Transmittal (PTO/SB/21) (In duplicate)
2	2	Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137 (b) (PTO/SB/64)
3	1	Fee Transmittal (PTO/SB/17) for Petition Fee (In duplicate)
4	1	Fee Transmittal Part B (PTOL-85) for Issue Fee (In duplicate)

January 26, 2007

Date

Amy J. Snyder

Typed or printed name of person signing certification


Signature

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/730,181	
	Filing Date	December 8, 2003	
	First Named Inventor	Brown et al.	
	Group Art Unit	3727	
	Examiner Name	H. Grosso	
Total Number of Pages in This Submission	6	Attorney Docket Number	10038-1-5810

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Transmission Under 37 CFR 1.8
Remarks The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16, or credit any overpayment to Account No. 502725. A duplicate copy of this sheet is enclosed.		USPTO Cust. No.  26135 PATENT TRADEMARK

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Nicole Valdivieso 47.289
Signature	<i>Nicole Valdivieso</i>
Date	January 26, 2007

CERTIFICATE OF TRANSMISSION/EXPRESS MAILING			
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Typed or printed name	Amy J. Snyder	Express Mail Label No.	VIA FACSIMILE
Signature	<i>Amy J. Snyder</i>	Date	January 26, 2007

Burden Hour Statement: This form is estimated to take 4.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB/64 (09-06)

Approved for use through 03/31/2007. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

10038-1-5810

First named inventor: Troy Alan Brown

Application No.: 10/730,181

Art Unit: 3781

Filed: December 8, 2003

Examiner: Grosso, Harry A.

Title: Secondary Containment System for Liquid Storage Tanks

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

01/29/2007 HDEHESS2 00000006 502725 10730181

02 FC:2453 750.00 DA

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in
the form of _____ (Identify type of reply):

- ☐ has been filed previously on _____
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 700.00

- ☐ has been paid previously on _____
- ☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any
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PTO/SB/04 (08-08)

Approved for use through 03/31/2007. OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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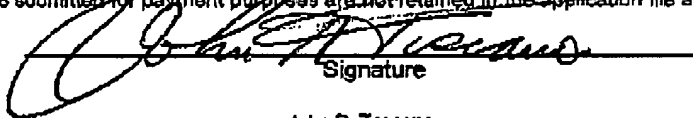
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/03).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identify them. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

01/26/2007
Date

John R. Toscano
Typed or printed name

Registration Number, if applicable

2751 NE 9 Street
Address

Telephone Number

Pompano Beach, FL 33062
Address


- Enclosures: ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

1/26/07
Date



Signature
Amy J. Snyder
Typed or printed name of person signing certificate

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/730,181	
	Filing Date	December 8, 2003	
	First Named Inventor	Brown et al.	
	Group Art Unit	3727	
	Examiner Name	H. Grosso	
Total Number of Pages in This Submission		6	
		Attorney Docket Number	10038-1-5810

ENCLOSURES <i>(check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Certificate of Transmission Under 37 CFR 1.8
Remarks The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16, or credit any overpayment to Account No. 502725. A duplicate copy of this sheet is enclosed.		USPTO Cust. No.  26135 PATENT TRADEMARK

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Nicole Valdivieso 47,289
Signature	<i>Nicole Valdivieso</i>
Date	January 26, 2007

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Typed or printed name	Amy J. Snyder	Express Mail Label No.	VIA FACSIMILE
Signature	<i>Amy J. Snyder</i>	Date	January 26, 2007

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PTO/SB/17 (12-04v2)

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Effective on 12/06/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4618). FEE TRANSMITTAL For FY 2005		Complete if Known	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/730,181
		Filing Date	December 8, 2003
		First Named Inventor	BROWN, et al.
		Examiner Name	H. Grosso
		Art Unit	3727
TOTAL AMOUNT OF PAYMENT (\$) 750.00		Attorney Docket No.	10038-1-5810

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 502725 Deposit Account Name: Lott & Friedland, P.A.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	N/A
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
0 - 20 or HP = 0	25.00	N/A
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
0 - 3 or HP = 0	100.00	N/A
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
0 - 100 =	150 =	(round up to a whole number) x		N/A

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)	Fee Paid (\$)
	N/A
Other (e.g., late filing surcharge): <u>Patent Fee For Revival of an Application for Patent (Small entity)</u>	\$750.00

SUBMITTED BY			
Signature	<u>Nicole Valdivieso</u>	Registration No. (Attorney/Agent) 47,289	Telephone 305-448-7089
Name (Print/Type)	Nicole A. Valdivieso	Date January 26, 2007	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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